

**Notice of Allowability**

Application No.

10/036,456

Examiner

John H. Le

Applicant(s)

WETTSTEIN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 01/07/2002
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Sheridan Neimark on 09/26/2005.

The applicant has been amended as follows:

In the Abstract:

In the Abstract on line 2, "communication means" has been changed to – communication device--.

In the Claims:

In the claims page on page 26, on line 1, "A test method" has been changed to –1. A test method--.

Claim 3, lines 10-11, "the identifier group the following positioning steps are performed:" has been changed to -- the identifier group performing the following positioning steps comprising:--.

Claim 9, line 1, "set forth in claim 1" has been changed to – set forth in claim 3 --.

Claim 10, line 1, "set forth in claim 1" has been changed to – set forth in claim 3 --.

Claim 11, line 1, "set forth in claim 1" has been changed to – set forth in claim 3 --.

Claim 12, line 1, "set forth in claim 1" has been changed to – set forth in claim 3 --.

Claim 13, line 1, "set forth in claim 1" has been changed to – set forth in claim 3 --.

Claim 14, line 1, "set forth in claim 1" has been changed to – set forth in claim 6 --,

lines 4-5, "a measure recited in claim 6 is employed" has been changed to –a measurement--.

Claim 17, line 5, "volatile memory of the communication means and/or" has been changed to – volatile memory of the communication means or --.

Claim 18, lines 4-5, "a test module as set forth in claim 16 and/or" has been changed to – a test module as set forth in claim 15 or--.

Claim 19, line 1, "test module as set forth in claim 15 and/or" has been changed to – test module as set forth in claim 15 or--.

### ***Reasons for Allowance***

2. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 15, none of the prior art of record teaches or suggests the combination of a test module for relevancy testing of an identifier which is able to be transmitted to a communication means by way of a communication network in message, comprising test means for the performance of the steps: finding a first position the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position alternative the first position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict where the first position is not available, until an available position, not associated with some other identifier is found in the relevancy table, designation of the identifier as being relevant, if the identifier, or a value associated with it, is entered at the first or the at least one second position, and designation of the identifier as being irrelevant, if at the first position or the at least one second position a non-use marker is

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entered. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claims 3 and 16, none of the prior art of record teaches or suggests the combination of a generating module for building a relevancy table provided for a communication means for relevancy testing of identifiers associated with an identifier group, such identifiers being provided for identifying messages able to be transmitted by way of a communication network and relevant for the communication means, comprising marking means for marking positions, which are provided in the relevancy table and not associated with any identifier of the identifier group with a non-use marker and positioning means for performing the following positioning steps for each identifier of the identifier group finding a first position in the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict, in the case of which the first position is not available, until an available position, not associated with any other identifier in the identifier group is found the relevancy table, and entry of the identifier or of a value associated with it at the respectively found first or at least one second position. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

U.S. Patent No. 5,444,643 discloses a transmission communications object is defined in which, inter alia, an identifier which identifies the relevant CAN information and a pointer to the RAM address of the applications variable to be transmitted are stored. '643 fails to specify a test module for relevancy testing of an identifier which is able to be transmitted to a communication means by way of a communication network in message, comprising test means for the performance of the steps: finding a first position the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position alternative the first position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict where the first position is not available, until an available position, not associated with some other identifier is found in the relevancy table, designation of the identifier as being relevant, if the identifier, or a value associated with it, is entered at the first or the at least one second position, and designation of the identifier as being irrelevant, if at the first position or the at least one second position a non-use marker is entered as now recited in claims 1 and 15 of the present invention. '643 also fails to specify a generating module for building a relevancy table provided for a communication means for relevancy testing of identifiers associated with an identifier group, such identifiers being provided for identifying messages able to be transmitted by way of a communication network and relevant for the communication means, comprising marking means for marking positions, which are provided in the relevancy table and not associated with any identifier of the identifier group with a non-use marker and positioning means for performing the following positioning steps for each identifier of the

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identifier group finding a first position in the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict, in the case of which the first position is not available, until an available position, not associated with any other identifier in the identifier group is found the relevancy table, and entry of the identifier or of a value associated with it at the respectively found first or at least one second position as now recited in claims 3 and 16 of the present invention.

U.S. Patent No. 5,729,755 discloses a complete bit width of a header part (identifier) present in a data message is tested by the hierarchical arrangement of acceptance filters. An accepted data message is stored temporarily in one of the receive buffers associated with the acceptance filters, and the data message stored temporarily by the receive buffer is stored in the memory (M). A control device for acceptance testing and intermediate storage of data messages transmitted over the bus, and a central unit with a memory for storing accepted messages. '755 fails to specify a test module for relevancy testing of an identifier which is able to be transmitted to a communication means by way of a communication network in message, comprising test means for the performance of the steps: finding a first position the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position alternative the first position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict where the first position is not available, until an available position, not associated with some

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other identifier is found in the relevancy table, designation of the identifier as being relevant, if the identifier, or a value associated with it, is entered at the first or the at least one second position, and designation of the identifier as being irrelevant, if at the first position or the at least one second position a non-use marker is entered as now recited in claims 1 and 15 of the present invention. '755 also fails to specify a generating module for building a relevancy table provided for a communication means for relevancy testing of identifiers associated with an identifier group, such identifiers being provided for identifying messages able to be transmitted by way of a communication network and relevant for the communication means, comprising marking means for marking positions, which are provided in the relevancy table and not associated with any identifier of the identifier group with a non-use marker and positioning means for performing the following positioning steps for each identifier of the identifier group finding a first position in the relevancy table for the respective identifier using a calculating rule applied to the identifier, seeking at least one second position for the identifier in the relevancy table on the basis of a move-on rule applied to the identifier in the case of conflict, in the case of which the first position is not available, until an available position, not associated with any other identifier in the identifier group is found the relevancy table, and entry of the identifier or of a value associated with it at the respectively found first or at least one second position as now recited in claims 3 and 16 of the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571 272 2275. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John H. Le

Patent Examiner-Group 2863

September 27, 2005

**BRYAN BUI  
PRIMARY EXAMINER**

